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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003108

SIPDIS

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SUBJECT: UNAMI PROPOSES ELECTION REVIEW COMMITTEE AND PRESSES USG ADVOCACY FOR SPECIAL STATUS ON KIRKUK

REF: A. BAGHDAD 2967

1B. BAGHDAD 2788

1C. BAGHDAD 2623

Classified By: Political Counselor Yuri Kim for reasons 1.4 (b) and (d)

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11. (C) SUMMARY: United Nations Assistance Mission for Iraq (UNAMI) Deputy SRSG Andrew Gilmour met with Senior Advisor for Northern Iraq Alan Misenheimer on November 12 to discuss the status of UNAMI's High Level Task Force (HLTF) and UNAMI's role in facilitating Arab-Kurd reconciliation. While conceding that the HLTF has achieved limited progress, Gilmour believes it is still important as a mechanism for bringing the parties together for discussions on confidence-building measures (CBMs). In addition, Gilmour appealed to the Embassy to fund an Elections Review Committee which he said would be a "clearing house" for the review of voter registry lists and address key disputed internal boundaries (DIBs) issues. Finally, Gilmour urged the United States to make explicit to the Kurds that the United States does not support the annexation of Kirkuk to the Kurdistan Regional Government (KRG) via referendum or other means, in order to prepare the Kurds for future negotiations on Kirkuk.

END SUMMARY.

HLTF - LIMITED PROGRESS

12. (C) While acknowledging that UNAMI has put forth only low risk issues to the HLTF, Gilmour characterized the negotiations in the forum as "quite positive" and pointed out that the HLTF meetings were an important mechanism for keeping the parties engaged and talking to each other in a civil manner. Other than to claim the "moral high ground," Gilmour admitted that from the Kurd perspective there is little justification for attending the meetings. He also noted that any agreements reached with the current GOI may not necessarily have any standing with a new Prime Minister. (Note: Our discussions with Rowsch Shaways, KRG Representative to the HLTF, indicate the Kurds believe that nothing substantive will be accomplished until after the formation of the next government; Shaways claims that GOI representative Sadiq Rikabi is merely stalling for time. He noted, however, that it is essential to show the Iraqi people that a process is in place in order to minimize disappointment and disillusionment. End Note).

13. (C) Gilmour thought the HLTF a particularly useful forum to promote CBMs in the DIBs area. The November 12 HLTF meeting focused on property rights. The two major issues discussed were: 1) GOI claims that Kurd-occupied Ba'ath Party property in the provinces, especially Mosul, Kirkuk, and Erbil, should be returned to the GOI; and 2) the automatic appeal by the GOI Ministry of Finance of every claim concerning government property makes it difficult for the independent Commission for Resolution of Real Property Disputes (CRRPD) to perform its mandate. Gilmour conceded that progress is slow, but noted that defining the major issues is a first step.

¶4. (C) In an effort to facilitate a review of voter registration lists called for in the November 8 election law amendments (reftel), Gilmour unveiled UNAMI's plans to establish an Election Review Committee (ERC) which would be UNAMI's top priority and the main thrust of its political activity in Iraq. Beyond reviewing voter registration lists, Gilmour envisioned four challenges that the ERC could help facilitate: (1) DIBs; (2) hydrocarbons legislation; (3) security; and (4) Iraqi constitutional amendments. He stated Qsecurity; and (4) Iraqi constitutional amendments. He stated that UNAMI intends to move forward Constitutional Review Committee (CRC) discussions, designed to amend certain contested provisions of the Iraqi Constitution, which he said are at an impasse due to the Kurdish resistance to any changes. Gilmour noted that revenue sharing should be addressed as a prelude to the passage of comprehensive hydrocarbons legislation, but acknowledged as a major obstacle the Arab concern over Article 115 of the Constitution, which gives primacy to regional law in areas outside the exclusive responsibilities of the central government. He advocated strongly for an ERC role beyond the national elections in addressing other contentious issues.

¶5. (C) Gilmour stated that it would cost USD 10 million to hire additional staff in Baghdad and Kirkuk (34 new hires estimated for Kirkuk, including support/security personnel), rent facilities, and fund meetings/conferences for the ERC. He indicated that UNAMI is unable to fund the ERC from the United Nations budget, and expected little support from other interested donors. Accordingly, Gilmour, who has since departed UNAMI, urged the Embassy to consider funding the ERC. (Note: We have not, however, received a formal request

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from UNAMI to fund the ERC. End Note).
UNAMI IMPATIENT FOR USG POSITION ON KIRKUK

¶6. (C) Reflecting upon his tenure in Iraq, Gilmour asserted that all Arabs (Sunni and Shia) are united on one point: that Kirkuk must never become a part of the KRG and that they are willing to go to war to prevent it. He stated, "No Arab Prime Minister will ever accept the incorporation of Kirkuk into the KRG." He added that the annexation of Kirkuk by the KRG is also a red line for Turkey and Iran and that both would intervene militarily. The Kurdish leadership must stop proclaiming that Kirkuk is an integral part of the KRG and inflaming public passions by stating that they will never compromise on Kirkuk. Instead, they need to start educating their people on the realities of the situation. Reiterating his key point, Gilmour emphasized that, &Kirkuk cannot be part of the KRG, the Kurds must accept this, and the United States must be the party to deliver the message, as no other nation or entity can do so with credibility." (Note: The Embassy's proposed Kirkuk policy advocates pressing for special status for Kirkuk and a confirmatory referendum. End Note).

¶7. (C) COMMENT: UNAMI's move to push for an ERC that would, in addition to verifying voter registries, address the DIBs process, constitutional amendments, hydrocarbons legislation, and security is an ambitious endeavor. Although, according to Gilmour, UNAMI sees a "window of opportunity" for action, the upcoming national elections and the anticipated protracted governmental formation period to follow is likely to thwart any robust effort in the near term. END COMMENT.

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